

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

JERRY TODD BREWER

PLAINTIFF

v.

CASE NO. 3:12CV00315 BSM

JONESBORO POLICE DEPARTMENT et al.

DEFENDANTS

ORDER

On February 12, 2013, plaintiff Jerry Todd Brewer filed a notice of change of address [Doc. No. 4] indicating that he has been released from custody. Because of his recent release, it is unclear whether Terry is still entitled to proceed *in forma pauperis*. If Terry wishes to proceed with his case, he is directed to either pay the statutory \$350 filing fee or to file an amended motion to proceed *in forma pauperis* within thirty (30) days of this order.

In his complaint, Terry alleges that he was the victim of excessive force at the hands of defendant Doe, an officer with the Jonesboro Police Department, and that he was denied his prescribed medication for the injury after he was taken to the Craighead County jail. Neither the county jail nor the police department are legal entities subject to suit. *See Owens v. Scott County Jail*, 328 F.3d 1026, 1027 (8th Cir. 2003) (noting that county jails are not amenable to suit); *Ketchum v. City of West Memphis*, 974 F.2d 81, 82 (8th Cir. 1992) (noting that a police department is not a separate suable entity). Without a name for the officer, the court cannot attempt service for defendant Doe and failure to provide Doe's name will result in the dismissal of Brewer's complaint due to the absence of other appropriate defendants.

IT IS THEREFORE ORDERED that:

1. The clerk is directed to send Terry a freeworld amended application to proceed *in forma pauperis*.
2. Terry shall, within thirty (30) days of this order, submit the \$350 statutory filing fee to the Clerk of the United States District Court for the Eastern District of Arkansas, or file an amended application to proceed *in forma pauperis*.
3. Terry is directed to provide Doe's name to the court.
4. Terry is reminded that failure to timely and properly comply with this order will result in the case being dismissed, without prejudice, pursuant to Local Rule 5.5(c)(2).

IT IS SO ORDERED this 4th day of March 2013.


UNITED STATES DISTRICT JUDGE